

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ANTHONY THOMAS FOYE,

Petitioner,

v.

CIVIL ACTION NO. 2:04-cv-00819
(Criminal No. 2:99-cr-00023)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER


Pending before the court is the petitioner's motion under 18 U.S.C. § 3582(c) for a modification or reduction of his sentence. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition. The Magistrate Judge has submitted findings of fact and recommended that the court deny the petitioner's § 3582(c) motion.

The petitioner has filed objections to the Magistrate Judge's findings and recommendations, which the court has carefully considered.

The court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** the petitioner's § 3582(c) motion.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 2, 2005



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE